



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
December 22, 2008
4:30 P.M.
Council Chambers

COUNCIL MEMBERS PRESENT:

V. Spencer, S. Marmarou, S. Fuhs, D. Sterner, M. Baez, M. Goodman-Hinnershitz, J. Waltman

OTHERS IN ATTENDANCE:

L. Kelleher, S. Katzenmoyer, C. Younger

Vaughn Spencer, President of Council, called the Committee of the Whole meeting to order at 4:38 p.m.

I. Budget Issues

Full Time Position Ordinance

Mr. Spencer questioned the number of full time positions. Mr. Hottenstein indicated that it was 736.

Mr. Spencer requested the salaries that accompany the full time positions to make an informed decision. Mr. Hottenstein noted that he will provide this information in time for the December 29 meeting.

Mr. Hottenstein informed Council that an amendment to the Full Time Position Ordinance will be needed. He noted that the position of Gun Safety Coordinator is being requested to be added to the Mayor's office. This position will be filled only if the \$75,000 grant from the Joyce Foundation is received. This person will operate from Harrisburg and report to the Mayor.

Mr. Marmarou questioned if the Police Chief and FOP were informed of this amendment. Mr. Hottenstein noted that they were not. This is an initiative of the Mayor and will work through his office.

Mr. Fuhs questioned if this position is tied to the lost or stolen firearms ordinance currently before Council. He further questioned the mission of the Joyce Foundation. Mr. Hottenstein noted that the Mayor would be better able to answer those questions.

Mr. Spencer questioned who this coordinator would represent. Mr. Hottenstein replied that they would represent a regional coalition. He did not have information on the region or the members of the coalition.

Mr. Fuhs questioned the amount of time the Mayor spends on gun control.

Mr. Waltman noted his belief that the City should not be acting on this issue; that it should be a State issue.

Mr. Spencer voiced his concerns about who the coordinator would represent and the goal of the Joyce Foundation.

Mr. Waltman noted the need to act on the lost or stolen gun ordinance prior to discussing the addition of this position. Mr. Hottenstein noted that these are two separate issues.

Mr. Marmarou noted the City's financial situation and questioned if the grant is accepted whether the position would remain after the grant has expired. Mr. Hottenstein noted that the position would be eliminated after the grant has expired. He noted that this position would be under the Mayor and would not be performing police work.

Mr. Fuhs questioned if the coordinator would be a City employee. Mr. Hottenstein indicated that they would be.

Mr. Waltman again noted the need for Council to act on the lost or stolen gun ordinance prior to adding this position. He further stated that he does not support the ordinance and requested further time to discuss it.

Ms. Goodman-Hinnershitz stated her belief that the coordinator may assist Council with future gun issues.

Mr. Waltman noted the future issues of unemployment compensation, etc. after this position is eliminated if the coordinator is a City employee.

Mr. Spencer noted that the memo distributed to Council does not state that the coordinator will be a City employee. Mr. Hottenstein noted that the grant states that the coordinator cannot be a subcontractor. He noted the Mayor's wish to move this position forward.

Mr. Marmarou noted the possible repercussions with current City employees who may lose their jobs and the addition of this position.

Mr. Sterner questioned who would oversee this position. Mr. Hottenstein noted that it would be Mayor McMahon and the other mayors in the region.

Mr. Spencer requested further questions be submitted to the managing director prior to the December 29 meeting.

Mayor McMahon joined the meeting at this time.

Resolution regarding collection of delinquent taxes and fees

Mr. Hottenstein distributed an amended resolution with suggestions from the Administration and noted that the Administration supports the initiative. He stated that the collection agency would perform an audit as part of their work for collections and that there does not need to be a separate audit performed.

Mr. Marmarou noted that the City would not pay the costs of the collection service; that the agency would add their costs to the outstanding balances.

Mr. Hottenstein indicated that an auditor cannot collect fees and would, therefore, bill the City for services rendered. Whereas the collection agency would perform the audit and pass those costs on as fees. He noted that the RFP should be written to ensure that the collection agency performs both tasks.

Mr. Marmarou requested that the process be expedited. Mr. Hottenstein requested the timelines be pushed back one month. Mr. Marmarou compromised and agreed to two weeks.

Mr. Hottenstein requested that the reports be given to the Administration who will turn them over to Council within seven days.

Mr. Marmarou questioned if any local collection agencies would be interested in this service. Mr. Hottenstein noted that there are several local collection agencies.

Mr. Marmarou requested a review of the RFP prior to its being advertised and requested being included on the selection committee. Mr. Hottenstein noted that having a Council member on the committee may be a conflict with the awarding process. He requested an opinion from the Solicitor.

Mr. Waltman noted that he will not support this resolution as the Administration should already be performing this function. He noted his concern with work flow and information integration. Mr. Hottenstein noted that this does not effect current collections but delinquent accounts.

Mr. Waltman questioned why these accounts were not turned over as part of the current process. Mr. Hottenstein explained that the accounts turned over in the past were the ones the Administration felt would yield a higher return. He noted their willingness to pursue these other accounts at this time.

Mayor McMahon stated his belief that this process will be helpful in learning new collection techniques.

Mr. Marmarou noted that four collections agencies currently work to collect the City's delinquent accounts. He questioned how much they routinely collect. Mr.

Hottenstein noted that these agencies are highly specialized and delinquent collections require the use of collection professionals. He suggested this RFP be for a one year period and then be consolidated into one of the other contracts.

Ms. Goodman-Hinnershitz described the work of the Reading School District to collect delinquent accounts. She noted that the early results will change behaviors of those who are chronically late to be timelier but that the collection amount will decrease over time.

Mr. Marmarou requested that the Mayor speak with the Mayor of Allentown regarding their newly implemented Wall of Shame in regards to absentee landlords and blighted properties to learn their process and success rate. Mayor McMahon noted his willingness to speak with the Mayor of Allentown. He also noted his willingness to learn.

Mr. Waltman noted his belief that the City processes need refining so that accounts do not get to delinquent status. He noted his expectation that the Administration pursue outstanding debts and delinquent accounts on a regular basis.

Mr. Sterner indicated the large amount of illegal rentals with property owners who do not pay income taxes. He stated his belief that the City should work with the IRS. He noted how large a task this would be but that the City needs to get control of their revenues.

Mr. Spencer noted the lesson learned during the housing permit process. He noted that the City must have the means to do what it sets out to do. He also noted the need for the City to collect all recurring revenues.

Charlie Jones, William Heim and Chris Kanezo joined the meeting at this time.

II. Certificate of Appropriateness City Park storage structure

Mr. Spencer reviewed the issues with the storage structure at City Park. He noted that HARB would like to meet with the City to compromise on the structure. He also noted that the Penn's Commons neighborhood group is upset with the structure as well. He noted that the resolution would deny the certificate of appropriateness and refer the matter back to HARB.

Ms. Goodman-Hinnershitz noted her belief that this structure is not appropriate in this historic area. She noted the problems with graffiti on these structures all over the City and suggested a mural to alleviate this problem.

III. Award of Contract – Angelica Feasibility Study

Mayor McMahon noted that the reason for the study is that it is required by DCNR before the grant can be approved. He noted the City's ability to relocate grant money from the KVP project to Angelica. This will allow the grant to pay for the study.

Mr. Fuhs inquired if the entire amount of the study would be covered by this grant reallocation. Mayor McMahon indicated that it would. He indicated that this grant

was received in 2008 but has not yet been drawn down. He noted that there is a total of \$300,000 available to use for the study and toward the design phase if it is found to be a feasible project. Mr. Hottenstein noted that the feasibility study would indicate if an education center would be sustainable at Angelica.

Mr. Spencer questioned how this education center would impact or be impacted by the educational center operating at Nolde Forest. Mayor McMahon stated that the Nolde Forest educational center focuses on forest issues and the center at Angelica would focus on wetlands. He noted his work with the Reading School District to have this area function as a lab for students at the Millmont School.

Mr. Spencer questioned if RiverPlace was still considering an environmental education center along the riverfront. Mayor McMahon noted his work with the Berks County Conservancy to combine the RiverPlace educational center with Angelica. He noted his hope that eventually the City will not be responsible for the education center.

Mr. Waltman questioned the cost of the center. Mr. Jones stated that the study would determine if it would be feasible to place an educational center at Angelica and how it would be best operated. He noted the experience of the recommended firm in obtaining funding for nature centers.

Ms. Goodman-Hinnershitz noted that the future ownership of Angelica Park should be studied in the near future as well. She noted the logical partnership with Alvernia University. Mr. Jones noted the terms of the consent decree state that the City must maintain the wetlands for a period of five years before it may be considered for ownership by others.

IV. Resolution exonerating 2008 property taxes for Reading School District

Mr. Spencer noted that the City approved the exoneration of these properties in 2007 but that the County did not complete the exemption application until October 2008. This requires Council to exonerate the property taxes for 2008. Ms. Kelleher indicated that the properties will be tax exempt beginning in 2009.

Mr. Waltman noted that these properties are in the vicinity of the Citadel and Lauer's Park.

V. Standard Operating Procedure – Forced Entry Inspections

Chief Heim reminded Council that property maintenance inspectors will be transferred to the Police Department in January. He noted the extensive experience of the police in serving warrants and entry of properties. He requested that the SOP remain vague as each situation is different and requires a different approach. He noted a specific SOP would become very cumbersome. He noted that the guidelines as presented are good, basic premises.

Mr. Fuhs noted that the suggestion of Eric Weiss referring to the sign-off of particular persons along the chain of command is what he was seeking. He noted his hope that this would be included in the SOP.

Mr. Waltman stressed his concern of the unknown beyond the door. He noted that property maintenance inspectors have less training on forced entries and may encounter situations that go beyond the scope of an inspection. He stated his belief that forced entry should be performed by police officers. Chief Heim noted that there were police officers present at the forced entry and that practice will continue.

Mr. Waltman again noted the possibility of dangerous situations beyond the door and noted the property maintenance inspectors are not prepared for what they may find. Chief Heim noted his willingness for police officers to make the forced entry.

Mr. Marmarou reminded Council that the subject of the warrant is informed of the warrant and when it will be served. If they do not allow entry, the warrant must be carried out and forced entry is needed.

Mr. Fuhs indicated that he is not against gaining entry. He noted his main concern that those who need to know do know. Mayor McMahon noted the need for officials to know that personnel are working appropriately and following protocol. He noted the need to use the least amount of force necessary. Chief Heim indicated that a police supervisor, codes manager and legal staff will all be informed about the possible need for a forced entry.

Mr. Fuhs noted the frequent occurrence of police using forced entry and the rarity of codes personnel using these techniques.

Mr. Waltman again noted his concern about what may be behind the door. Mayor McMahon noted the willingness of the police department to accompany codes personnel and perform the forced entry.

Mr. Spencer noted that the SOP contains language that the least amount of damage be done when forcing entry. He questioned if codes or police should perform the entry to present a better community view. He noted the subject's testing of the system and the probable litigation that will follow.

Chief Heim stated that he will not oversee the property maintenance inspectors if they cannot get into properties that they need to inspect. He noted his viewing of the video of this occurrence and was pleased with the performance of the codes personnel and the police officers. He noted his belief that no supplement is needed.

Mr. Waltman addressed the need for fines and liens against the property owner. Chief Heim noted that these are two separate issues. Mr. Younger noted that they are both pursued simultaneously.

Chief Heim noted that if codes personnel are not allowed to gain entry to a property when a warrant has been issued and a tragedy strikes at that property, there is a large liability to the City.

VI. Agenda Review

Council reviewed the agenda and discussed the following items:

Award of Contracts for chemicals

Mr. Spencer noted the contracts would not be awarded to the low bidder because of past poor performance and safety issues.

Failure to Report Lost or Stolen Firearms Ordinance

Mr. Spencer questioned the Mayor about the Gun Safety Coordinator. Mayor McMahon indicated that the coordinator would work in Harrisburg to promote gun safety. He noted his work with New York City Mayor Michael Bloomberg and his involvement in the Mayors against Illegal Guns organization. He noted that the grant from the Joyce Foundation requires the money be sent to a municipality. Reading will coordinate this effort. He noted the intent of the ordinance is to urge the State to pass this same requirement.

Mr. Spencer noted the recent passage of Act 131 and questioned if this Act would overlap this ordinance. Mayor McMahon indicated that it does not. He reiterated that the twenty-four hour reporting begins when you notice that the gun is lost or stolen and owners will not be penalized unless the stolen gun is used in a crime.

Chief Heim noted that Act 131 addresses false reports to police about stolen weapons. He stated that the ordinance before Council this evening is the Mayor's proactive approach for citizens to come forward.

Mr. Spencer noted that a lost or stolen gun is still unaccounted for if it is not used in a crime. Chief Heim noted that the police department can use the report information in investigating the ownership of any gun found on a person who does not have a license to carry. Mayor McMahon again noted that the purpose of this legislation is to deter illegal gun traffic. He noted that Pennsylvania supplies illegal guns to neighboring states because they have stiffer gun control laws.

Ms. Goodman-Hinnershitz relayed a situation in which she could have informed a neighbor about the need to report her lost/stolen gun within 24 hours but could not because the ordinance is pending. She noted that she has discovered during her research that Pennsylvania has one of the highest rates of illegal gun traffic and that many gun owners are not responsible for their weapons. She questioned why Council would pass a law regarding the theft of copper but not the reporting of stolen weapons.

Mr. Fuhs noted that he has made several requests to Mayor McMahon for statistics stating how this ordinance would affect gun traffic in Reading. He noted that he has had no response. He further stated that he respects the position of the Mayor and his desire to pressure the State. Mayor McMahon noted that a weapon becomes illegal as soon as it is out of the possession of the owner.

Mr. Waltman thanked Chief Heim for his conviction regarding forced entry by codes personnel. He again requested more time to discuss this ordinance. He questioned the penalty for not reporting a lost or stolen firearm. Mr. Younger indicated that it was a \$1000 fine and up to 90 days in prison.

Mr. Spencer reminded Council that it was decided that action would be taken on this ordinance at this evening's meeting.

Mr. Waltman noted that this ordinance would not be useful as it cannot be enforced outside the City's borders. He stated it would be better for the State to act. Mayor McMahon noted that State legislators are being lobbied by the NRA to not enact this legislation. He noted his many occasions of testifying in Harrisburg but State legislators are feeling intimidated by the NRA.

Mr. Marmarou thanked Chief Heim for attending the meeting and addressing these issues. He stated that responsible gun owners would report their weapons missing without this ordinance. He questioned the Chief if an owner could be charged with conspiracy in certain situations. Chief Heim noted that it was not likely.

The meeting adjourned at 7:12 pm.

Respectfully Submitted

By: _____
Linda A. Kelleher, City Clerk